

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI
November 17, 2009

The City Council convened in Regular Session on Tuesday, November 17, 2009, at 7:08 P.M. in the Council Chambers on the fourth floor of City Hall, 200 North Second Street, with President of the Council Larry Muench presiding, and Members of the Council present as follows: Laurie Feldman, Michael Klinghammer, Bob Kneemiller, Ron Stivison, and Richard Veit. Councilmember Jerry Reese arrived during the meeting as reported in the record. Absent: Dave Beckering, Erv Ermeling, and Michael Weller. The City Clerk, Marilyn K. McCoy, was present and performed the duties of that office.
File #47000

A motion was made by RICHARD VEIT to excuse the absences of Councilmembers Dave Beckering, Erv Ermeling, and Michael Weller. BOB KNEEMILLER seconded the motion. All voted in favor, motion passed.

PUBLIC HEARINGS

The President of the Council Larry Muench announced that the following Public Hearings would now be held. At the conclusion of the hearings, the Regular Session continued with the order of business:

- A. Consolidated Plan Action Plan 2010 with the U.S. Department of Housing and Urban Development for a Community Development Block Grant (Fiscal Year 2010) (*Council Bill 10053*)
- B. An amendment to Chapter 156 of the Zoning Code of the Code of Ordinances of the City of St. Charles, Missouri, by amending *Section 156.705(C) Street Banner Signs* (*Council Bill 10058*)

RESOLUTIONS/AWARDS/PROCLAMATIONS

Proclamation Recognizing and Congratulating the St. Charles Chamber of Commerce on Being Selected as the 2009 Chamber of the Year by the Missouri Chamber of Commerce and Industry

The Honorable Mayor Patricia M. York read a proclamation recognizing and congratulating the St. Charles Chamber of Commerce on being selected as the 2009 Chamber of the Year by the Missouri Chamber of Commerce and Industry. President/CEO Scott Tate, VP of Marketing and Communications Wendy Rackovan, VP of Special Events Heidi Fairbanks, and Board Members James Rasmussen accepted the Proclamation on behalf of the St. Charles Chamber of Commerce.

Proclamation Recognizing November 15-21, 2009, as "American Education Week"

The Honorable Mayor Patricia M. York read a Proclamation proclaiming November 15 through 21, 2009, as "American Education Week". Larry DuFour, St. Charles American Legion Post 312, accepted the Proclamation; and stated that the American Legion held an Essay Contest for 5th Graders in the City of St. Charles, and announced the winners, as follows:

- 1st place – Anna Breneman - St. Peter Elementary School
- 2nd place – Madison Schmied – St. Charles Borromeo Elementary School
- 3rd place – Sharon Dosland - St. Charles Borromeo Elementary School

The essay winners read their winning essays.

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Proclamation Recognizing November 2009 as "American Music Month"

The Honorable Mayor Patricia M. York read a Proclamation proclaiming November 2009 as "American Music Month". Carol Langley and Donna Kinslow from the Morning Etude Music Club accepted the Proclamation.

Councilmember Jerry Reese arrived at the Regular Council Meeting at this time.

Proclamation Recognizing November 24, 2009, as the 19th Annual "No Hunger Holiday"

The Honorable Mayor Patricia M. York read a Proclamation recognizing November 24, 2009, as the 19th Annual "No Hunger Holiday". Pierce Conley from the Harvester Knights of Columbus accepted the Proclamation.

Introduction of Newly Hired Assistant Public Works Director John Zimmerman

Director of Public Works Debra Aylsworth introduced John Zimmerman, recently hired as the Assistant Public Works Director. Mr. Zimmerman thanked the Mayor and Council for the opportunity to work for the City of St. Charles.

PUBLIC COMMENT RELATIVE TO CITY ISSUES

Proposed Riverwalk Development

Patty Ferguson, 38 Lake Top Ct., spoke in opposition to selecting Mike Sellenschuetter as the preferred developer for the Riverwalk Development.

BILLS FOR FINAL PASSAGE

Bill 10036

An Ordinance Rezoning to Zoning District C-3 (Highway Business District) from Zoning District R-1E (Single-Family Residential District) a 0.65 Acre Parcel of Land, a Missouri Department of Transportation (MODOT) Remnant from the Boone's Lick Road Realignment Now a Part of 2300 First Capitol Drive (*Sponsor: Larry Muench*)

Passed "Aye": Klinghammer, Kneemiller, Muench, Reese, Stivison, Veit, and Feldman
"Nay": None

Absent: Weller, Beckering, and Ermeling

Approved by the Honorable Mayor on November 23, 2009, and is known as **Ordinance 09-210**

Bill 10052

An Ordinance Authorizing a Right-of-Way Encroachment License Agreement with Muddy Waters on Main Street for the Construction, Operation and Maintenance of a Sidewalk Café Located at 143 North Main Street (*Sponsor: Richard Veit*)

Passed "Aye": Klinghammer, Kneemiller, Muench, Reese, Stivison, Veit, and Feldman
"Nay": None

Absent: Weller, Beckering, and Ermeling

Approved by the Honorable Mayor on November 23, 2009, and is known as **Ordinance 09-205**

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Bill 10053

An Ordinance Authorizing the Mayor and City Clerk to Execute and File the Consolidated Plan Action Plan 2010 with the U.S. Department of Housing and Urban Development for a Community Development Block Grant (Fiscal Year 2010) (*Sponsor: Larry Muench*)

Passed "Aye": Klinghammer, Kneemiller, Muench, Reese, Stivison, Veit, and Feldman
"Nay": None
Absent: Weller, Beckering, and Ermeling

Approved by the Honorable Mayor on November 23, 2009, and is known as **Ordinance 09-206**

Bill 10054

An Ordinance Authorizing Amendment No. 2 to the Contract with the St. Louis Post Dispatch d/b/a St. Louis Advertising Network for Publication Services for the City of St. Charles in an Amount of \$31,500.00, for a Total Amount Not to Exceed \$131,400.00 (*Sponsor: Larry Muench*)

Passed "Aye": Klinghammer, Kneemiller, Muench, Reese, Stivison, Veit, and Feldman
"Nay": None
Absent: Weller, Beckering, and Ermeling

Approved by the Honorable Mayor on November 23, 2009, and is known as **Ordinance 09-207**

Bill 10055

An Ordinance Authorizing the City to Enter into a Lease Agreement With Investments Unlimited Development Corporation for the Lease of Office Space for the Fire Department in a Total Amount Not to exceed \$29,008.72 (*Sponsor: Larry Muench*)

Passed "Aye": Klinghammer, Kneemiller, Muench, Reese, Stivison, Veit, and Feldman
"Nay": None
Absent: Weller, Beckering, and Ermeling

Approved by the Honorable Mayor on November 23, 2009, and is known as **Ordinance 09-208**

Bill 10056 (Held)

An Ordinance Authorizing Renewal of a Contract with Group Health Plan (GHP) to Provide a Self-Funded Medical Insurance and Prescription Drug Program to the Mayor, Council, All Full-Time Employees and Their Eligible Dependents, Retirees and Eligible Spouses for Plan Year 2010 (from February 1, 2010 Through January 31, 2011) in an Amount Not to Exceed \$593,572.00 (*Sponsor: Larry Muench*)

Council Bill 10056 was held by Sponsor Larry Muench pending the completion of the budget discussions.

Bill 10057

An Ordinance Amending Chapter 33 of the Code of Ordinances of the City of St. Charles by Creating a New Subchapter to be known as the Strategic Plan Implementation Committee; Consisting of Three New Sections to wit: Sections 33.240, 33.241 and

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33.242; to Establish the Committee; State its Purpose and Objectives; and Provide for its Members, their Terms and Meetings (*Sponsors: All Members of the City Council*)

Passed “Aye”: Klinghammer, Kneemiller, Muench, Reese, Stivison, Veit, and Feldman
 “Nay”: None
 Absent: Weller, Beckering, and Ermeling

Approved by the Honorable Mayor on November 23, 2009, and is known as **Ordinance 09-209**

BILLS FOR INTRODUCTION

The following Council Bills were introduced:

Bill 10058

An Ordinance Amending Chapter 156 of the Code of Ordinances of the City of St. Charles, Missouri by Amending Section 156.705 Pertaining to Street Banner Signs (*Sponsor: Richard Veit*)

Bill 10059

An Ordinance Amending Schedule II, Subsection (A) of Chapter 78 of the Code of Ordinances by Establishing Parking Restrictions Along a Portion of South Seventh Street (*Sponsors: Erv Ermeling, Larry Muench, Michael Klinghammer, Jerry Reese, and Ron Stivison*)

Bill 10060

An Ordinance Amending Chapter 96 of the Code of Ordinances of the City of St. Charles, Missouri by Creating a New Section To Be Known As Section 96.12 Prohibiting the Spraying or Discharge of Pesticides on Property of Another (*Sponsor: Bob Kneemiller*)

Bill 10061

An Ordinance Adopting a Budget for the City for the Period from January 1, 2010 to December 31, 2010, and Appropriating Money in the City Treasury to Pay for the Cost of Operating the City Government During That Period in Accordance with the Budget (*Sponsor: Larry Muench*)

President of the Council Larry Muench announced that, after introduction, Council Bill 10061 would be held pending completion of the budget discussions.

Bill 10062

An Ordinance Amending Section 156.253 of the Code of Ordinances of the City of St. Charles, Missouri Pertaining to Reconsideration of Applications for Amendment, Supplement or Change to the Zoning Code (*Sponsor: Laurie Feldman*)

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Bill 10063

An Ordinance Repealing Ordinance No. 09-95 and Enacting a New Ordinance to Adopt Positions, Salary, Wages and Other Compensation for Employees; Reclassifying the Community Relations Specialist Position and Changing the Job Title (*Sponsor: Larry Muench*)

Bill 10064

An Ordinance Amending Ordinance Number 08-270 by Amending Certain Revenue, Expenditure, and Fund Balance Accounts for the Budget for the Fiscal Year 2009 (Budget Amendment #4). (*Sponsor: Larry Muench*)

Bill 10065

An Ordinance Authorizing a Contract with Essex Dental Benefits, Inc. to Provide the Mayor, City Council Members, All Full-Time Employees and Their Eligible Dependents, Retirees and Eligible Spouses With a Basic and Buy Up Dental Program for the Period February 1, 2010 through January 31, 2011 in an Amount Not to Exceed \$347,000.000 (*Sponsor: Larry Muench*)

President of the Council Larry Muench announced that, after introduction, Council Bill 10061 would be held pending completion of the budget discussions.

Bill 10066

An Ordinance Approving the Road Dedication and Easement Plat for Chateau Country Club (*Sponsor: Laurie Feldman*)

Bill 10067

An Ordinance Approving the Record Plat for Hemstead Cottage Villas Garages, a Subdivision of the City of Saint Charles, Missouri (*Sponsor: Michael Klinghammer*)

Bill 10068

An Ordinance Authorizing a Contract with SystemAire, Inc. for the St. Charles City Hall HVAC Upgrade in an Amount Not to Exceed \$222,330.00 (*Sponsor: Larry Muench*)

ITEMS FOR DISCUSSION AND/OR COUNCIL ACTION

Announcement of Change in Council Rule 13(A) Relative to Regular Council Meeting Agendas

President of the Council Larry Muench announced a proposed change to Council Rule 13(A) to revise the agenda format for Regular Council Meetings to place Public Comment on the agenda prior to Resolutions/Awards/Proclamations in order to allow the public to comment on Resolutions prior to the discussion and passage by the Council. Following a brief discussion relative to the proposed change, President of the Council Larry Muench announced that the format change for the Regular Council Meetings would be to make a separate category for Resolutions, and to move the Public Comment portion of the meeting before the Resolutions.

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City Clerk Marilyn K. McCoy announced that in accordance with Council Rule 41, the proposed amendment to Council Rule 13(A) will be listed on the consent agenda at the December 1, 2009, Regular Council Meeting for approval.

Mayoral Veto of Council Bill 10047 (An Ordinance Authorizing a Development NID Interim Finance Agreement with St. Charles - Noah Development LLC; Authorizing and Directing the Execution and Delivery Thereof; and Providing Further Authority in Connection Therewith)

The Honorable Mayor Patricia M. York read the veto message of Council Bill 10047. President of the Council Larry Muench placed the following question to the City Council: ***Shall the ordinance take effect, the objections of the Mayor notwithstanding?*** A roll call vote was taken, with the following results: "Aye": None. "Nay": Kneemiller, Muench, Reese, Stivison, Veit, Feldman, and Klinghammer. Absent: Weller, Beckering, and Ermeling. Veto was sustained.
File #47248

CONSENT AGENDA

A motion was made by JERRY REESE to receive and approve the Consent Agenda. LAURIE FELDMAN seconded the motion. A roll call vote was taken, with the following results: "Aye": Muench, Reese, Stivison, Veit, Feldman, Klinghammer, and Kneemiller. "Nay": None. Absent: Weller, Beckering, and Ermeling. Motion passed.

A. Approval of Council Minutes

1. Regular Council Meeting of October 27, 2009
2. Public Hearing of November 3, 2009

File #47249

3. Regular Council Meeting of November 3, 2009

B. Approval of Council Committee Reports

1. Approval of Council Committee Minutes
 - a. City Facilities Task Force of August 25, 2009
 - b. City Facilities Task Force of September 1, 2009
 - c. Council Work Session of November 3, 2009 (5:30 p.m.)
 - d. Council Work Session of November 3, 2009 (6:40 p.m.)

File #47250

File #47250

File #47016

File #47016

2. Approval of Council Committee Motions/Actions/Recommendations
 - a. City Facilities Task Force of August 25, 2009 *(None)*
 - b. City Facilities Task Force of September 1, 2009 *(None)*
 - c. Council Work Session of November 3, 2009 (5:30 p.m.) *(None)*
 - d. Council Work Session of November 3, 2009 (6:40 p.m.) *(None)*

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- C. Receipt of Reports from Boards, Commissions or Committees
1. Citizens with Disabilities Meeting of September 23, 2009
File #47163
 2. Economic Development Commission Meeting of October 1, 2009
File #47043
 3. Board of Adjustment Meeting of October 12, 2009
File #47041
 4. Landmarks Board Meeting of October 19, 2009
File #47042
 5. Veterans Commission Meeting of September 14, 2009
File #47113
 6. Veterans Commission Meeting of October 5, 2009
File #47113
- D. Receipt of Reports of the Director of Administration
1. Request to Fill Vacant Positions in the Police Department
Councilmember Bob Kneemiller requested that, in the future, more explanation relative to the need for the position be included in the request.
File #47251
- E. Approval of Contracts and Easements from \$30,001 - \$99,999
1. Contract with Standard Insurance Company to Provide Full-time Employees Long-term Disability Insurance for the Period February 1, 2010 Through January 31, 2011 in an Amount not to Exceed \$66,600.00
File #47252
 2. Contract with Standard Insurance Company to Provide Basic Life and Accidental Death and Dismemberment Insurance Coverage for the Council, Mayor and Full-time Employees for the Period February 1, 2010 Through January 31, 2011 in an Amount not to Exceed \$42,000.00
File #47253
 3. Renewal Contract No. 2 with ISS Facility Services, Inc. dba BG Service Solutions for Janitorial Services at City Hall, Senior Center, Criminal Justice Center, and Convention and Visitors' Bureau in an Amount not to Exceed \$92,347.56
File #47254
 4. Contact with Standard Insurance Company for Voluntary Life & Voluntary AD&D Insurance for the Period February 1, 2010, Through January 31, 2011 in an Amount not to Exceed \$96,000.00
File #47255
 5. Contract with Thoele, Inc. for Contractual Snow Removal Services for the 2009/2010 Winter Season in an Amount not to Exceed \$70,000.00
File #47256

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6. Contract with KDNL-TV for Advertising Christmas Traditions in an Amount not to Exceed \$35,015.00
File #47257

7. Contract with WICS-TV for Advertising Christmas Traditions in an Amount not to Exceed \$34,970.00
File #47258

8. Contract with KMOV-TV for Advertising Christmas Traditions in an Amount not to Exceed \$36,355.00
File #47259

F. Preliminary Plats
None

G. Miscellaneous

1. Approval of Arts and Culture Commission Expenditures
President of the Council Larry Muench requested that, in the future, the spreadsheet be printed in a larger font.
File #47033

2. Report of the Court Administrator for Monies Collected and deposited during the month of October 2009
File #47056

3. Investment Report for October 2009
File #47057

4. Liquor License Application for Jikuai Xiao, d/b/a: China House Buffet, located at 1325 Bass Pro Drive
File #47005

5. Liquor License Application for Julie Dampier, d/b/a: Mid Towne IGA Located at 317 Hawthorne
File #47005

6. Liquor License Application for Michael J. Gatto, d/b/a: The Vine Wine Bar & Bistro Located at 325 South Main Street
File #47005

REPORT OF THE MAYOR

Appointments for Boards and Commissions

A motion was made by BOB KNEEMILLER to approve the following appointments to Boards and Commissions as presented by the Honorable Mayor Patricia M. York:

Citizens with Disabilities Advisory Board: Re-appointments of John Rother and Dave Riazi for 3-year terms ending in November, 2012.

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JERRY REESE seconded the motion. A roll call vote was taken, with the following results:
"Aye": Reese, Stivison, Veit, Feldman, Klinghammer, Kneemiller, and Muench. "Nay": None.
Absent: Weller, Beckering, and Ermeling. Motion passed.
File #47006

Budget Amendment No. 4 (Council Bill 10064)

The Honorable Mayor Patricia M. York announced the items included in Budget Amendment No. 4.

Written and/or Verbal Messages from the Mayor

Christmas Traditions. The Honorable Mayor Patricia M. York announced that Christmas Traditions will begin on Friday, November 27, 2009.

Los Posadas The Honorable Mayor Patricia M. York announced that Los Posadas is scheduled for Saturday, December 5, 2009.

Holiday Ice Rink. The Honorable Mayor Patricia M. York announced that the Holiday Ice Rink located in Frontier Park will be opening on Friday, November 27, 2009.

ANNOUNCEMENTS FROM COUNCILMEMBERS/MISCELLANEOUS

Written and/or Verbal Messages from the Councilmembers

Riverwalk Development. Councilmember Richard Veit voiced concern at the recent media coverage relative to the proposed riverwalk development.

Thank you. Vice President of the Council Laurie Feldman thanked everyone for the many cards and well wishes during her recovery from a recent surgery.

Updated Newsletter on Website. Vice President of the Council Laurie Feldman announced that the Ward Three Newsletter on her City Web Page has been updated.

Bowling Jamboree Councilmember Bob Kneemiller announced that the Bowling Jamboree sponsored by the St. Charles Parks & Recreation Foundation is scheduled for Saturday, November 21, 2009, at Plaza Bowling Lanes.

TABLED BILLS/PUBLIC HEARINGS

Bill 10013

An Ordinance Amending Chapter 113 of the Code of Ordinances of the City of St. Charles, Missouri by Amending Sections 113.02, 113.03, 113.15, 113.19, 113.30, 113.35 and 113.40 to Reduce the License Tax for Electricity, Gas and Telephone; Eliminate the Refund of License Fees to Elderly Residents; and Provide Effective Dates Thereof.
(Sponsors: Dave Beckering and Richard Veit)) (Tabled at the September 1, 2009, Regular Council Meeting)

There was no action taken on Council Bill 10013

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The Regular Council Meeting was adjourned at 8:05 p.m.

December 1, 2009
Date Approved

Marilyn X. McCoy
City Clerk

Larry Muench
Larry Muench, Presiding Officer